

Exhibit 3

Part 2 of 3

EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA, et rel.,
DEBORA PARADIES, LONDON LEWIS, and
ROBERTA MANLEY,

Plaintiffs,

vs.

Case No. 08-C-0384

ASERACARE, INC., and GGNSC
ADMINISTRATIVE SERVICES d/b/a
GOLDEN LIVING,

Defendants.

DECLARATION OF JOHN W. FINN, M.D.

JOHN FINN declares, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following is true and correct:

1. I am a physician licensed to practice medicine in Michigan. I am Board Certified in Internal Medicine and Hospice and Palliative Medicine. I have served as Medical Director for Palliative Care Services at Providence-St. John Health in Michigan as well as Associate Professor of Medicine at Wayne State University School of Medicine and Medical Director of Supportive Oncology at the Karmanos Cancer Institute. A copy of my curriculum vitae is attached to this Declaration as Exhibit A.

2. I have been given the medical charts of 24 former AseraCare hospice patients to review. It is my understanding that plaintiffs' proposed expert witness has reviewed these same charts and found these 24 patients to be ineligible for hospice benefits under Medicare. I reviewed the chart for each of these 24 patients, listed in Exhibit B by patient chart number, attached to this Declaration.

3. In my professional experience as well as according to the medical literature, it is extremely difficult to accurately predict death in the hospice population.

4. At the time of their admission to hospice, all of the patients whose charts I reviewed had co-morbidities and/or secondary conditions, further complicating the patient's prognosis. Over time, some of these patients stabilized, but none improved.

5. In my medical opinion, at the time of their admission, each of these patients was terminally ill and eligible for hospice services. Further, the patients were eligible for recertification under the CMS guidelines regarding hospice eligibility. In my medical opinion, all the patients who continued under hospice care remained eligible for the hospice benefit.

6. It is my opinion that a physician acting in good faith and applying a reasonable interpretation to the information contained in the medical charts could have found these patients to be eligible for hospice care under the CMS standards, both upon original admission and at recertification.

Dated: January 13, 2012

s/ John W. Finn, M.D.
John W. Finn, M.D.

EXHIBIT E

TENURE TRACK (Biological Sciences) CV Format

A. **Name:** James Francis Cleary

B. **Formal education:** include thesis titles & major professors for graduate work, and names of postdoctoral mentors.

M.B., B.S. 1984 (MD equivalent) University of Adelaide, South Australia
Fellow, Royal Australasian College of Physicians (FRACP, Medical Oncology) 1991
Foundation Fellow, Australasian Chapter of Palliative Medicine (FACHPM) 2000

1984:	Internship/Preregistration, Royal Adelaide Hospital 6 months medicine/ 6 months surgery
1985-88:	Basic Physician Training, Royal Adelaide Hospital
1985	6 months General Medicine, 3 months each of Thoracic Medicine & Relieving Roster
1986	3 months each of Medical Oncology, General Medicine, Cardiology & Nephrology
1987	3 months each of Gastroenterology, Neurology, General Medicine & relieving roster
1988	6 months General Medicine

Following my internship at the Royal Adelaide Hospital in both medicine and surgery, I commenced training in internal medicine as outlined above. This training took place in the Royal Adelaide Hospital and outlying hospitals, including the Lyell McEwin Hospital. With General Medicine rotations, general medical trainees were responsible for either male or female patients together with an intern. Numbers of patients under our care ranged from 8-24 patients with some supervision from Attendings two to three times a week. Trainees also conducted outpatient clinics and general medical consultations. Specialty rotations involved management of these wards together with consultations and outpatient clinics.

1988-91:	Advanced Training, Medical Oncology, Royal Adelaide Hospital
1988-9	12 months Medical Oncology (Prof. Charles Olweny)
1989-90	12 months Clinical Hematology & BMT (Dr. Chris Juttner)
1990	3 months Medical Oncology (Prof. Charles Olweny) 3 months Radiation Oncology (Dr. David Wigg)
1991	Dawes Research Fellow Department of Clinical and Experimental Pharmacology, University of Adelaide

My oncology training at the Royal Adelaide Hospital included attachments with Medical Oncology, Radiation Oncology & the Hematology/Bone Marrow Transplant. These were the major referral units for South Australia, Northern Territory and western NSW serving a population of 1.5 million. The Medical Oncology Unit, under the direction of Professor Charles Olweny, was involved in clinical trials including those involving breast cancer (IBCSG center), esophageal carcinoma, and melanoma. The Hematology/Bone Marrow Transplant Unit under the direction of Dr. C. Juttner was associated with the Institute of Medical and Veterinary Science and the Hansen Research Center. It had a transplantation program of world renown, especially as a pioneer in the field of autologous peripheral blood stem cell transplantation for both leukemia and solid tumors.

My research experience was aimed at learning pharmacology with the view to applying this to cytotoxic agents in the future. Working with Professors Felix Bocher and Andrew Somoygi, I conducted test tube, animal and human research with the drug, oxycodone, exploring its pharmacogenetics.

1990:	Chief Medical Resident, Royal Adelaide Hospital.
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C. Board Certification & Licensure (do not include license number)

1984	South Australian Medical Board Licence Registration as specialist (Medical Oncology), 1991.
1993	ECFMG Certification (USA)
1994	Wisconsin Medical License
1998	USMLE Steps I and II
2000	USMLE Step III
2004	American Board of Hospice and Palliative Medicine

D. Positions held: list chronologically & indicate length of service in each position, accounting for all years.

1984-88	Resident, Internal Medicine, Royal Adelaide Hospital, South Australia.
1988-91	Advanced Trainee, Medical Oncology, Royal Adelaide Hospital, South Australia.
1991-93	Senior Registrar (locum), Royal Adelaide Hospital and Lyell McEwin Hospital
1992-93	Visiting Medical Officer, Medical Oncology, Royal Adelaide Hospital Locum Medical Oncologist, Private Practice
1993	Staff Specialist, Medical Oncology, Royal Adelaide Hospital
1994-95	Clinical Instructor, Dept of Human Oncology University of Wisconsin Hospital and Clinics
1995-present	Medical Oncologist University of Wisconsin Hospital and Clinics
1995-present	Medical Director, Palliative Care Service, University of Wisconsin Hospital and Clinics
1995-98	Medical Director, HospiceCare Inc, Dane County, WI
1996-01	Assistant Professor, Department of Medicine, University of Wisconsin.
1998-00	Senior Medical Director, HospiceCare Inc, Dane County, WI.
2001-06	Academic Medical Director, HospiceCare Inc, Dane County, WI.
2001-present	Associate Professor (CHS), Department of Medicine, University of Wisconsin.
2003-10	Program Leader, Cancer Control Program, UW Carbone Cancer Center.
2009-present	Director, Pain & Policy Study Group WHO Collaborating Center for Pain Policy and Palliative Care.

E. Honors and awards

1991:	RAH Physician Training Research Prize " <i>Oxycodone Analgesia in an Animal Model</i> "
1991:	AH Nimmo Prize for Research for paper " <i>The Treatment of Malignancy Associated Hypercalcemia: a randomized study comparing APD with Calcitonin and Prednisolone</i> "
1991:	Royal Adelaide Hospital "Dawes" Research Fellowship
1992-3:	National Health and Medical Research Council of Australia Research Fellowship
1992:	"Glaxo" Travel Award, Medical Oncology Group of Australia " <i>Enzyme kinetics of oxymorphone formation from oxycodone: in vitro studies of human liver microsomes.</i> " (1993 American Society of Clinical Oncology meeting)
1994-5:	Vincent Fairfax Family Research Fellowship Royal Australasian College of Physicians " <i>Phase 1 studies in Cancer Medicine</i> "
1995-8:	Faculty Development Award in Clinical Pharmacology: Pharmaceutical Research and Manufacturers of America Foundation; " <i>Clinical Therapeutics in Cancer</i> "
1998-2000:	Faculty Scholar for Open Society's Project on Death in America. "Introducing graduate, postgraduate and CME in Palliative Medicine with practice changes in inpatient, clinic and remote settings.
1998-2000:	Faculty Leadership Award, Veterans Administration Initiative in End of Life Care
2001:	Department of Medicine House-staff Professionalism Award.
2004:	Dane County End of Life Care Award, Dane County End of Life Forum.
2006, 08, 10	Madison Top Doctor, Palliative Medicine, Madison Magazine
2007-10	Top Cancer Doctor in America
2008:	Grossman Award: Department of Medicine Faculty Professionalism Award.
2009:	American Academy of Hospice and Palliative Medicine Distinguished Service Award.

F. Society memberships

1992-present	Royal Australasian College of Physicians
1992-08	Medical Oncology
2001-	Australasian Chapter of Palliative Medicine (Foundation member)
1992-1994	Clinical Oncology Society of Australia (COSA).
1992-present	American Society of Clinical Oncology (member since 1992)
2006- 09	Education Committee, Pain and Survivor Subcommittee (Chair, 2009)
1995-	Eastern Cooperative Oncology Group
1996-2001	American Pain Society
1996-99	Clinical Practice Guideline Committee (chair, Ada Jacox, PhD)
1996-98	Task Force for Pain, Symptoms and End of Life Issues (chair, Mitchell Max MD)
1997-98	Co-chair, APS Cancer Pain Guidelines Committee (with Chris Miakowski)
1998-present	American Academy of Hospice and Palliative Medicine
1999-02	Education Committee
	2002 Committee Chair
2000	Program Committee, 1 st Joint Clinical Conference Hospice and Palliative Care. (Meeting with NHPCO and HPNA)
2000-02	Board Member
2001	Convenor, 2001 Annual Meeting
2002	President-Elect
2004	President
2005	Immediate Past President, Nominating Committee and Awards Committee Chair
2005-06	Chair, US Coalition of Palliative Care.
2007	CEO Search Committee 2007
2010-	Task Force on By-laws Review.
2004-	International Association for Hospice and Palliative Care.
2009-	Board Member.
2004-	African Association of Palliative Care
2007-	African Organization for Research and Training in Cancer (AORTIC)
2008-	European Association of Palliative Care.
	Scientific Review Committee, 2008, 2009, 2010, 2011
2009-	International Association for the Study of Pain
	2010: Exec Committee for 1 st IASP International Pain Summit, Montreal 2010

G. Teaching Activities (see attached tables) include a list of all courses taught. Distinguish three kinds of teaching:

(1) **Classroom teaching:** may include lectures, seminars, laboratories, discussion sections, and workshops.

1989-93:	Lectures for both 4th & 6th year medical students, Medical Oncology & Infectious Disease University of Adelaide Medical School. Monthly, 15-20 students per group.
1991-92:	Lecturer on "Medical Ethics" and "Cancer Medicine", South Australia Ambulance Training School. Accredited Technical and Further Education (TAFE) Course.
1991	Faculty, Royal Australasian College of Physicians Computer Workshop, Adelaide
1994-	Teaching of medical students, residents and medical staff on the pharmacological management of cancer pain at the University of Wisconsin Hospital and Clinics
1996-04	Wisconsin Cancer Pain Initiative, Student Elective
1999-06	Palliative Care and Hospice, Lecture, 2 nd Year Neoplasia Course, UW Medical School
2000	Resident Training Series, Similarities with <i>Operation Desert Storm and Palliative Care University of Wisconsin Hospital and Clinics January 2000.</i>
2004-	Faculty Palliative Care Core Day, Medicine III students. Course coordinator Keynote lecture. Small Group discussion leader.
2007-	Medical Errors Care Day, Medicine III Students. Small Group discussion leader.
2011	Medicine II Students; Public Advocacy Course: Physician Leader, Social Leader.

(2) **Clinical teaching:** may involve lecture, demonstration, one-on-one teaching in a clinical setting, and postgraduate and continuing education.

1985- 94: Undergraduate theoretical and clinical teaching in both General Medicine and Clinical Skills
1989-93: Preparation of junior medical staff for the RACP examinations, written & clinical, especially as Chief Medical Resident (1990).
1995-98 Clinical Teacher, Clinical Medicine and Practice 1 and II, UW School of Medicine
1996-00 Faculty supervisor for student, resident and fellow rotations at HospiceCare Inc
2001-04 VA Morning Report on Palliative Care Monthly
2001-06 Weekly Teaching at HospiceCare Inc for residents, medical, nursing pharmacy students.
2001- Palliative Care Teaching, UW Nursing, Pharmacy and Medical Trainees (all levels)
Rounding daily on unit (12-22 weeks/year).
Weekly Palliative Care Case Conference.
Palliative Care Electives for residents and 4th Year Medical Students

(3) **Mentor teaching:** tutoring one's own graduate students and postdoctoral fellows; may include journal clubs, lab meetings, as well as one-on-one tutoring.

Graduate Students:

Karen Kehl, PhD candidate, School of Nursing: ICTR Scholar
now Assistant Professor, UW School of Nursing

Postdoctoral Fellows.

Palliative Care Fellows:

Lisa Illig, 2000-1 now Palliative Care Attending, Park Nicollet Methodist, Minneapolis
Matthew LoConte, 2005-6 now Palliative Care Attending, Middleton VA Hospital, Madison, WI
Amanda Dupree, 2006-7 now Palliative Care Attending, Meriter Hospital, Madison WI
Jamie Beversdorf, 2009-10 Palliative Care Attending, New Jersey
Robert Goldman,

Clinical Instructor

Kasi Osenga, 2005-2008 now Palliative Care Faculty, Children's Hospitals & Clinics of Minnesota

Junior Faculty Mentor Committees

Daniel Mulkerin now Associate Professor, Heme/Onc, Dept of Medicine
Deepak Khunita now Associate Professor, Dept of Human Oncology.
Ann Traynor now Associate Professor, Heme/Onc, Dept of Medicine
Lynn van Ummersen now Oncology Attending, Orlando Florida
Sherry Meadows now Oncology Faculty, University of Alabama-Mobile.
Margot Hoover-Regan ongoing Assistant Professor, Dept of Pediatrics
Steven Rose ongoing Assistant Professor, Dept of Obstetrics & Gynecology
George Cannon Assistant Professor, Dept of Human Oncology
Kristina Catrine Assistant Professor, Dept of Pediatrics
Justine Bruce Assistant Professor, Heme/Onc, Dept of Medicine (supervisory conflict)

Invited teaching presentations. This list should focus on invited presentations that refer specifically to teaching. They may include continuing education or other workshops, individual lectures on teaching approaches, philosophy, or technique, or other presentations that relate to teaching activities.

2008 Dec UW Carbone Cancer Center Grand Rounds:
Reel Lives: The Cancer Chronicles- Highlights of 2008 UICC Film Festival
2003 Feb UW Carbone Cancer Center Grand Rounds
The Arts and Palliative Care: A way of engaging students
2002 Mar: USMLE 21 Conference: Baltimore, MA

Educating Students about End of Life Care.

Education of Physicians in End-of-Life Care Program:

- supported by AMA and Robert Wood Johnson Foundation
- aimed to teach both
 - a) Palliative Care
 - b) Teaching Skills for small group teaching.
- 2005 May: 1ST EPEC – Oncology Conference, Reston, VA. *Master Facilitator*
- 2003 Jan EPEC Conference, *Master Facilitator* Tampa Bay FL
- April. EPEC Advanced Teaching Conference, *Master Facilitator*, Chicago IL
- 2002 Apr EPEC Conference. *Master Facilitator* Sante Fe, NM
- May EPEC Conference, *Master Facilitator* Chicago, IL
- 1999 Jan EPEC Conference, *Master Facilitator*. Phoenix AZ ,
- Feb EPEC Conference, *Master Facilitator* Chicago IL
- June: EPEC Conference, *Master Facilitator* Chicago, IL

Continuing Medical Education included with Research Presentation

H. Bibliography of Publications.

For each publication (*except for abstracts*), the candidate must indicate their responsibility for the following: Concept Development and Design __%; Data Acquisition __%; Analysis __%; Writing __%

(a) Papers published in, or accepted by, refereed journals (list inclusive page numbers of each publication). * By means of asterisks in the left margin, have the candidate identify from the above list the five publications considered most noteworthy.

1. Somogyi AA, Nation R, Olweny C, **Cleary J**, Tsirgiotis P, Milne R, van Crugten C, Bochner F. *Plasma concentrations and renal clearances of morphine -6- and morphine -3-glucuronide in cancer patients receiving morphine*. Clinical Pharmacokinetics 24, (5): 413-420, 1993
Concept Development and Design 0%; Data Acquisition 40%; Analysis 10%; Writing 10%
2. **Cleary J**, Mikus G, Somogyi A, Bochner F. *The influence of pharmacogenetics on opioid analgesia: studies using codeine & oxycodone with the SD/DA rat model*. J Pharmacol & Exper Therapeutics 271(3) 1528-34, 1996
Concept Development and Design 50%; Data Acquisition 100%; Analysis 80%; Writing 80%
3. **Cleary JF**, Carbone PP, Arzoomanian R, Frierbend C, Alberti D, Witt P, Wilding G. *A Phase One Study of Fluorouracil, Leucovorin and Levamisole* Cancer Chemotherapy and Pharmacology 39: 300-306, 1997
Concept Development and Design 0 %; Data Acquisition 0%; Analysis 80%; Writing 80%
4. Berlin J, Tutsch K, Hutson P, **Cleary J**, Rago R, Arzoomanian R, Alberti D, Feierabend C, Wilding G. *Phase I Clinical & pharmacokinetic Study of oral CAI, a signal transduction inhibitor*. J Clin Oncology 15 (2) 781-9, 1997
Concept Development and Design 25%; Data Acquisition 20%; Analysis 20%; Writing 10%
5. Schiller J, **Cleary J**, Johnson D. *Lung Cancer: The ECOG Experience*. Oncology Sept, 1997.
Concept Development and Design 10%; Data Acquisition 10%; Analysis 10%; Writing 10%
6. **Cleary JF**, Carbone PP. *Palliative Medicine in the Elderly*. Cancer, Oct 1997
Concept Development and Design 100%; Data Acquisition 100%; Analysis 100%; Writing 80%
- *7. Farrar JT, **Cleary J**, Rauck R, Busch M, Nordbrock E. *Oral transmucosal fentanyl citrate: randomized, double-blind, placebo-controlled trial for treatment of breakthrough pain in cancer patients*. JNCI. 90:611-6, 1998
Concept Development and Design 10%; Data Acquisition 10%; Analysis 30%; Writing 20%
8. **Cleary JF**. *Cancer Pain Management*. Cancer Control; JMCC 7(2):132-141, 2000.
Concept Development and Design 100%; Data Acquisition 100%; Analysis 100%; Writing 100%
9. **Cleary JF**, Gordon D, Hutson P, Ward S. *Incidence and Characteristics of Naloxone Administration in Medical Oncology Patients with Cancer Pain*. J Pharm Care in Pain and Symptom Control 8 (2): 65-73, 2000
Concept Development and Design 50%; Data Acquisition 50%; Analysis 7-%; Writing 75%
10. Dendaas N, Pellino T, Ford-Roberts K, **Cleary J**. *End of Life Care in an Academic Health Science Center: Findings from a Hospital Record Review*. Journal of Pain & Symptom Management, Feb 2001.
Concept Development and Design 25%; Data Acquisition 10%; Analysis 20%; Writing 30%

11. Gordon DB, Sehgal N, Schroeder ME, **Cleary J**. *Treatment of pain crisis at end of life from severe lower extremity venous outflow obstruction with hyperalgesia and allodynia*. J Pain 3(3):244-248, 2002 Jun.
Concept Development and Design 25%; Data Acquisition 10%; Analysis 10%; Writing 10%
12. Merchant J, Tutsch K, Dresen A, Arzoomanian R, Alberti D, Feierabend C, Binger K, Marnoccha R, Thomas J, **Cleary J**, Wilding G. *Phase I clinical and pharmacokinetic study of NSC 655649, a rebeccamycin analog, given in both single-dose and multiple-dose formats*. Clin Cancer Res. 8(7):2193-2201, 2002.
Concept Development and Design 70%; Data Acquisition 50%; Analysis 50%; Writing 25%
13. Thomas JP, Tutsch KD, **Cleary JF**, Bailey HH, Arzoomanian R, Alberti D, Simon K, Feierabend C, Binger K, Maranocha R, Dresen A, Wilding G. *Phase I clinical and pharmacokinetic trial of the cyclin-dependent kinase inhibitor flavopiridol*. Cancer Chemother Pharmacol. Dec 50(6):465-72, 2002.
Concept Development and Design 70%; Data Acquisition 50%; Analysis 50%; Writing 25%
14. Goodlin S, Hauptman P, Arnold R, Grady K, Hershberger R, Kutner J, Masoudi F, Spertus J, Dracup K, **Cleary J**, Medak R, Crispell K, Pina I, Stuart B, Whitney C, Rector T, Teno J, Renlund D. *Perspectives Consensus Statement: Palliative & Supportive Care in Advanced Heart Failure* J Cardiac Failure 10(3): 200, 2004.
Concept Development and Design 5%; Data Acquisition 0%; Analysis 0%; Writing 5%
15. Love RR, Hutson PR, Havighurst TC, **Cleary JF**. *Endocrine effects of tamoxifen plus exemestane in postmenopausal women with breast cancer*. Clinical Cancer Research Feb 15;11(4):1500-3, 2005.
Concept Development and Design 10%; Data Acquisition 25%; Analysis 10%; Writing 10%
16. Hutson PR, Love RR, Havighurst TC, Rogers E, **Cleary JF**. *Effect of Exemestane on Tamoxifen Pharmacokinetics in Postmenopausal Women Treated for Breast Cancer*. Clinical Cancer Research 11(24): 8722-7, 2005.
Concept Development and Design 10%; Data Acquisition 25%; Analysis 10%; Writing 10%
- *17. Cohen, L, Ganzini L, Mitchell C, Arons S, Goy E, **Cleary J**. *Accusations of Murder and Euthanasia in End-of-life care*. Journal of Palliative Medicine Dec 8(6): 1096, 2005.
Concept Development and Design 15%; Data Acquisition 15%; Analysis 15%; Writing 15%
18. **Cleary JF**. *Incident Pain Palliative Medicine* 19(1) 1-2, 2005 Jan (Editorial)
Concept Development and Design 100%; Data Acquisition 100%; Analysis 100%; Writing 100%
19. **Cleary JF**, *Quality Assurance at a National Level, Palliative Medicine* Palliative Medicine, 19 (6) 2005.
Concept Development and Design 100%; Data Acquisition 100%; Analysis 100%; Writing 100%
- *20. **JF Cleary**, *Cancer Pain Management; A systematic review*. J Palliative Medicine 2007; 10:1367-1366.
Concept Development and Design 100%; Data Acquisition 100%; Analysis 100%; Writing 100%
21. Shaw B, Han JY, Kim E, Gustafson, Hawkins R, **Cleary J**, McTavish F, Pingree S, Eliason P, Lumpkins C. *Effect of prayer and religious experience within computer support groups on Women with Breast Cancer*. Psycho-Oncology 2007;16(7):676-687.
Concept Development and Design 0%; Data Acquisition 0%; Analysis 10%; Writing 10%
22. Smith MA, Seplaki CL, Biagtan M, duPreez A, **Cleary J**. *Characterizing Hospice Services in the United States*. The Gerontologist 2008 Feb;48(1):23-31.
Concept Development and Design 10%; Data Acquisition 5%; Analysis 10%; Writing 10%
23. von Gunten CF, Eappen S, **Cleary JF**, Taylor SG 4th, Moots P, Regevik N, Cleeland C, Cella D. *Flecainide for the treatment of chronic neuropathic pain: a Phase II trial*. Palliat Med. 2007 Dec;21(8):667-72.
Concept Development and Design 10%; Data Acquisition 30%; Analysis 10%; Writing 10%
24. Bernard L, **Cleary J**, McTavish F, Dinauer S, Wen K-Y, Gustafson D, *Caregivers' Needs at Key Experiences of the Advanced Cancer Disease Trajectory*. Palliat Support Care 2008 Sep; 6(3):265-272.
Concept Development and Design 20%; Data Acquisition 10%; Analysis 20%; Writing 10%
25. Kehl KA, Kirchhoff KT, Finster MP, **Cleary JF**. *Materials to prepare hospice families for dying in the home*. J Palliat Med. Sep 2008, 11(17):969-72. PMID: PMC2842008.
Concept Development and Design 5%; Data Acquisition 0%; Analysis 10%; Writing 10%
- *26. Bernard L, **Cleary J**, Gustafson D, Dinneer S, *Development and Implementation of a Clinician Reporting System for Advanced Stage Cancer: Initial Lessons Learned*. J Am Med Inform Assoc. 15(5):679-686, 2008.
Concept Development and Design 50%; Data Acquisition 10%; Analysis 30%; Writing 20%
27. Buss MK, DuBenske LL, Dinauer S, Gustafson DH, McTavish F, **Cleary JF**. *Patient/Caregiver influences for declining participation in supportive oncology trials*. J Support Oncol 2008 Apr;6(4):168-174.
Concept Development and Design 50%; Data Acquisition 10%; Analysis 20%; Writing 20%
28. DuBenske LL, Wen KY, Gustafson DH, Guarnaccia CA, **Cleary JF**, Dinauer SK, McTavish FM. *Caregiver's differing needs across key experiences of the advanced cancer disease trajectory*. Palliat Support Care. Sept. 2008, 6(3):265-72.

Concept Development and Design 50%; Data Acquisition 10%; Analysis 20%; Writing 20%
29. DuPreez AE, Smith MA, Liou JI, Frytak JR, Finch MD, **Cleary JF**, Kind AJ. *Predictors of Hospice Utilization among Acute Stroke Patients who Died Within 30 Days*. J Palliat Med 2008 Nov;11(9):1249-57. PMID: PMC2586984.

Concept Development and Design 20%; Data Acquisition 0%; Analysis 10%; Writing 10%
30. Attia S, Morgan-Meadows S, Holen KD, Bailey HH, Eickhoff JC, Schelman WR, Traynor AM, Mulkerin DL, Campbell TC, McFarland TA, Huie MS, **Cleary JF**, Tevaarwerk AJ, Alberti DB, Wilding G, Liu G. *Dose-escalation study of fixed-dose rate gemcitabine combined with capecitabine in advanced solid malignancies*. Cancer Chemother Pharmacol. June 2009, 64(1):45-51. PMID:PMC2676212.

Concept Development and Design 0%; Data Acquisition 10%; Analysis 5%; Writing 5%
31. Wise M., Marchand L, Aeschlimann E, Causier D and **Cleary J**. *Integrating a Narrative Medicine Telephone Interview with Online Life Review Education for Cancer Patients: Lessons Learned and Future Directions*. Journal Soc Integrative Oncology, 7(1):19-25, 2009.

Concept Development and Design 50%; Data Acquisition 0%; Analysis 10%; Writing 10%
32. LoConte NK, Smith M, Alberti D, Bozeman J, **Cleary JF**, Setala AN, Wodtke G, Wilding G, Holen KD. *Amongst eligible patients, age and comorbidity do not predict for dose-limiting toxicity from phase I chemotherapy*. Cancer Chemother Pharmacol. March 2010, 64(4):775-80. PMID:PMC2809128.

Concept Development and Design 10%; Data Acquisition 0%; Analysis 10%; Writing 10%
33. Traynor AM, Richards GM, Hartig GK, Khuntia D, **Cleary JF**, Wiederholt PA, Bentzen SM, Harari PM. *Comprehensive IMRT plus weekly cisplatin for advanced head and neck cancer: The University of Wisconsin experience*. Head Neck 2010 May;32(5):599-606.

Concept Development and Design 10%; Data Acquisition 30%; Analysis 10%; Writing 10%
34. Wolfert MZ, Gilson AM, Dahl JL, **Cleary JF**. *Opioid Analgesics for Pain Control: Wisconsin Physicians' Knowledge, Beliefs, Attitudes, and Prescribing Practices*. Pain Med 2010 March; 11(3):425-434.

Concept Development and Design 25%; Data Acquisition 10%; Analysis 20%; Writing 20%
*35. **Cleary JF**, Hutson P, Joranson D. *Access to therapeutic opioid medications in Europe by 2011? Fifty years on from the single convention on narcotic drugs*. Palliat Med March 2010; 24(2):109-10.

Concept Development and Design 80%; Data Acquisition %; Analysis 80%; Writing 80%
36. LL. DuBenske, M-Y Chin, DH Gustafson, S Dinuer, J F Cleary *Caregivers' Participation in the Oncology Clinic Visit Mediates the Relationship between Their Information Competence & Their Need Fulfillment and Clinic Visit Satisfaction*. Accepted Patient Education & Counseling.

Concept Development and Design 50%; Data Acquisition 20%; Analysis 10%; Writing 10%
37. DuBenske LL, Gustafson DH, Shaw BR, **Cleary JF**. Web-based cancer communication and decision making systems: connecting patients, caregivers, and clinicians for improved health outcomes. Med Decis Making. 2010 Nov-Dec;30(6):732-44. Epub 2010 Nov 1.

Concept Development and Design 50%; Data Acquisition 20%; Analysis 10%; Writing 10%
38. Namkoong K, Dubenske L, Shaw B, Gustafson D, Hawkins R, Shah D, McTavish F, **Cleary J**. Creating a Bond Between Caregivers Online: Effect on Caregivers' Coping Strategies. J Health Commun. 2011 Oct 17.

Concept Development and Design 50%; Data Acquisition 20%; Analysis 10%; Writing 10%
39. Gilson AM, Maurer MA, Ryan KM, Skemp-Brown M, Husain A, **Cleary JF**. Ensuring patient access to essential medicines while minimizing harmful use: a revised World Health Organization tool to improve national drug control policy. J Pain Palliat Care Pharmacother. 2011;25(3):246-51.

Concept Development and Design 30%; Data Acquisition 20%; Analysis 20%; Writing 20%

(b) Papers submitted to refereed journals, but not yet accepted for publication.

1. LL DuBenske, DH. Gustafson, K Namkoong, R Hawkins, R Brown, F McTavish, C L. Carmack, M K. Buss, J H. Schiller, R Govindan, J F. Cleary, MD *Effects of an Interactive Cancer Communication System on Lung Cancer Caregivers' Quality of Life and Negative Mood: A Randomized Controlled Trial* Psychooncology

Submitted: May 2010, Revision requested Sept 10

2. Gustafson, DuBenske, Namkoong, Hawkins, Chih, Bhattacharya, Carmack, Schiller, Traynor, Campbell, Buss, Govindan, **Cleary** *The Effect of an Online Intervention on Symptom Distress and Survival in Patients with Non-Small-Cell Lung Cancer: A Randomized Trial* Submitted JAMA, Oct 2011

3. Gilson, MA Maurer, VT LeBaron, KM Ryan, JF Cleary, Achieving effective cancer pain relief and palliative care through improved opioid availability: More than a function of a country's human development submitted Lancet, Oct 2011

(c) Papers published in, or accepted by, nonrefereed journals.

1. The clinical management of Cancer Pain. **J.F.Cleary**. *Hospital Practice* 30 (11) 41-49, 1995
2. Tolerance: The need for translational research **JF.Cleary**, M Backonja *American Pain Society Bulletin* 6 (2) April 1996
3. Lung Cancer: Prevention is the best cure. **J.Cleary**, L.A.Gorenstein, G.S.Omenn *Patient Care* 30 (14) 34-67. 1996
4. Treatment of Pain at the End of Life: A position statement from the American Pain Society. M Max, **J Cleary**, B Ferrell, K Foley, R Payne, B Shapiro *American Pain Society Bulletin* 7 (1) 1-3 1997

(d) Invited papers published in conference proceedings.

1. **Cleary JF**. Integrating palliative care into Head and neck oncology. *Int J Radiat Oncol Biol Phys*. 2007 Sep; 69(2S):S83-5.
2. **Cleary JF**, Hogan K. *Pharmacogenetics and Cancer Pain*. *ASCO Annual Meeting Education Book*, 2007

(e) Monographs or books published. Indicate if joint-authored.

None

(f) Chapters in books.

1. Cancer Pain in the Elderly. **J.F.Cleary**
in *Comprehensive Geriatric Oncology*, Ed: Balducci, Lyman, Ersheler 1997
2. Fever and infections. **J.F.Cleary**
in *Principle and Practice of Supportive Oncology*. Eds: Berger, Portenoy, Weissman and Levy. 1997
3. The reversible causes of asthenia in cancer patients. **J.F.Cleary**
in *Supportive Care Medicine* Volume 2. Eds: Portenoy, Buruera 1998
4. Cancer in the Elderly. P.P.Carbone, **J.F. Cleary**,
in *Practice of Geriatrics*, 3rd Ed.. Eds: Calkins, Ford, Katz 1998.
5. Fever and sweats. **J.F.Cleary**
in *Principals & Practice of Palliative Care & Supportive Oncology*. 2nd Edition. Eds: Berger, Portenoy, Weissman 2001.
6. Non-opioid analgesics. **JF Cleary**
in *Principles and Practice of Palliative Care and Supportive Oncology* 3rd Edition. Eds: Berger, Shuster and von Roenn. Lippincott, Williams & Wilkins. 2006.
7. Fever. K Osenga, **JF Cleary**
in *Principles and Practice of Palliative Care and Supportive Oncology* 3rd Edition. Eds: Berger, Shuster and von Roenn. Lippincott, Williams & Wilkins. 2006.
8. *Cancer Epidemiology in Palliative Medicine*; Ed D Walsh. K Osenga, **JF Cleary** 2009
9. *Fever* JF Cleary In *Principle and Practice of Supportive Oncology* 3rd Edition. Eds: Berger, Shuster and von Roenn. Lippincott, Williams & Wilkins. 2006.

(g) Books or conference proceedings edited. Indicate specific roles:

None

(h) Contributed papers and/or abstracts.

1. **Cleary JF**, Need A, Olweny CLO. Treatment of malignancy associated hypercalcaemia: randomized study of APD with calcitonin and prednisolone. *Clinical Oncology Society Australia (COSA) Proceedings*, No 127, 1989 (Slides)
2. Lee J, **Cleary JF**. The influence of cisplatin on phenytoin levels during chemotherapy - a preliminary report. *COSA Proceedings*, No 104, 1989 (poster)
3. Plasma concentrations and renal clearances of morphine -6- and morphine -3-glucuronide in cancer patients receiving morphine. Somogyi AA, Nation R, Olweny C, **Cleary J**, Tsirgiotis P, Milne R, van Crugten C, Bochner F, *Pain Suppl.* 5, No 381, 1990 (poster, 6th World Congress of Pain, Adelaide, 1988)
4. Peripheral blood stem cell transplantation in ovarian cancer: preliminary results. **Cleary JF**, Pittman K, Davy M, Juttner C. *COSA Proceedings*, No 127, 1990 (Slides)

5. Treatment of recurrent glioma with carmustine (BCNU), Cisplatin and 5-Fluorouracil (CCF): a pilot study. Pittman K, **Cleary J**, Taylor A, Abdi E and Olweny C. COSA Proceedings, No 118, 1990 (poster)
6. A toxicity trial of combined simultaneous cisplatin/fluorouracil chemotherapy & split course radiation in advanced head & neck cancer. Taylor A, Abdi E, Ahmad A, Pittman K, **Cleary J**. COSA Proceeding 168, 1991 (poster)
7. Opioid analgesia in an animal model. **Cleary JF**, Mikus G, Somogyi AA, Bochner F. Clin Exp Pharm Phys S18, 11, 1991. (Slides, Australasian Soc Clin & Exp Pharmacol & Toxicol (ASCEPT) Scientific Meeting, Dec. 1991)
8. Oxycodone analgesia in an animal model. **Cleary JF**, Mikus G, Somogyi AA. AACR Proceedings, Vol 33, No 3014, 1992 (Poster, May 1992)
9. Enzyme kinetics of oxymorphone formation from oxycodone in rat and human liver microsomes. **Cleary J**, Kerry N, Mikus G, Somogyi A, Bochner F. Clin Exp Pharm Phys S21, 15, 1992 (Slides, ASCEPT Scientific Meeting, 1992)
10. Enzyme kinetics of oxycodone metabolism in humans: results of liver microsome studies. **Cleary J**, Kerry N, Mikus G, Somogyi A, Bochner F. COSA Proceedings, No 49, 1992 (Poster)
11. Enzyme kinetics of oxymorphone formation from oxycodone: in vitro studies of human liver microsomes. **J Cleary**, A Somogyi, F Bochner. ASCO Proceedings, No 1539, 1993 (Poster)
12. Codeine induced analgesia is via morphine formation: evidence from in vitro and in vivo animal and human studies. Somogyi AA, Kerry N, **Cleary J**, Mikus G, Gyldenvang L, Bochner F. 7th World Congress on Pain, 1993 (Poster)
13. A study of subcutaneous infusion of oxycodone in a palliative care unit. Maddocks I, **Cleary J**, Hayball P, Abbott F, Parker D. Proceedings of the Australian Pain Society Scientific Meeting, April 1994
14. Phase 1 and pharmacokinetic study of oral carboxyamidotriazole (CAI). Tutsch K, Arzooanian R, Alberti D, Frierbend C, Rago R, Hutson P, **J Cleary** and Wilding G. AACR Proceedings, 1995 (Poster)
15. Phase 1 clinical & pharmacokinetic study of oral carboxyamidotriazole (CAI). Wilding G, Arzooanian R, Alberti D, Feierbend C, Rago R, **Cleary J**, Hutson P, J Berlin and Tutsch K. ASCO Proceedings, March 1995 (Poster)
16. Phase 1 clinical and pharmacokinetic study of rebeccamycin analog (NSC 655649) **JF Cleary**, K Tutsch, J Berlin, R Arzooanian, D Alberti, C Feierbend, K Simon, P Hutson, J Stewart, G Wilding AACR Proceedings, 1996 (Slides)
17. Phase 1 study of CAI Tutsch K, J Berlin, R Arzooanian, D Alberti, C Frierbend, **J Cleary**, P Hutson, G Wilding AACR Proceedings, 1996 (Poster)
18. Incidence and Characteristics of Naloxone Administration in Medical Oncology Patients with Cancer Pain **JF Cleary**, D Gordon, S Ward and J Stewart 8th World Congress on Pain, August, 1996 (Poster)
19. A phase 1 study of flavopiridol J Thomas, **J Cleary**, K Tutsch, R Arzooanian, D Alberti, C Feierbend, K Simon, K Morgan, G Wildng AACR Proceedings, 1997 (Poster)
20. A randomized double blind study of the management of breakthrough pain in cancer patients: oral transmucosal fentanyl citrate vs placebo. **J.F. Cleary** American Society of Clinical Oncology Proceedings, 1997 (slides)
21. A phase 1 study of Rebeccamycin analog **J.F. Cleary**, K Tutsch, R Arzooanian, D Alberti, C Feierbend, K Simon, K Morgan, G Wilding American Society of Clinical Oncology Proceedings, 1997 (poster)
22. Controlled trials of oral transmusocal fentanyl citrate for the treatment of breakthrough pain. **JF Cleary** European Federation of IASP chapters, 1997 (Poster)
23. Long Term safety of oral transmucosal fentanyl citrate for breakthrough pain. **JF Cleary**. European Federation of IASP chapters, 1997 (Poster)
24. Pharmacokinetic study of the repeated dosing of oral transmucosal fentanyl citrate. **JF Cleary** Proceedings of the American Pain Society, 1997 (Poster)
25. Phase 1 clinical and pharmacokinetic study of rebeccamycin analog (NSC 655649) K Tutsch, **JF Cleary**, R Arzooanian, D Alberti, C Feierbend, K Simon, P Hutson, J Stewart, G Wilding AACR Proceedings, 1998 (Poster)
26. Development of a new fatigue assessment tool in cancer patients. JF Cleary, K Edward, N Dendaas, J Douglas, C Cleeland J Pain & Symptom Management April 1998. (Poster, 1st Palliative Care Research Meeting NIH, Bethesda)
27. A phase 1 study of flavopiridol J Thomas, K Tutsch, R Arzooanian, D Alberti, C Feierbend, K Simon, K Morgan, G Wildng, **J Cleary** American Society of Clinical Oncology Proceedings, 1998 (slide).
28. Characteristics of breakthrough pain. **JF Cleary**, R Portenoy, M Busch. American Society of Clinical Oncology Proceedings, 1998
29. Evolving Patterns of Practice Regarding the Use of Chemoradiation for Advanced Head and Neck Cancer Patients. Proc Am Soc Clin Oncol 20: 2001 (abstr 903) PM. Harari, **JF Cleary**, GK. Hartig,
30. Medical Oncology on an Inpatient Oncology Ward: Oncology or Palliative Medicine Illig L, Bakke L, **Cleary JF** and Stewart JA. AAHPM Annual Meeting, 2002.
31. Lipid, lipoprotein, alkaline phosphatase, osteocalcin, and symptom effects of adding exemestane therapy in postmenopausal women taking adjuvant tamoxifen for breast cancer. Proc Am Soc Clin Oncol 22: 2003 (abstr 236) R. R. Love, S. A. Anderson, **J. F. Cleary**, P. R. Hutson;

32. Horse chestnut seed extract for the treatment of arm lymphedema. *J Clin Onc*, 2004 Vol 22, No 14S (July 15 Suppl), 2004: 8095 **P Hutson**, R Love, **J Cleary**, S Anderson, L Vanummersen, S Morgan-Meadows, E. A. Doran
33. Correlation of improvement in lymphedema with quality of life assessment in breast cancer survivors. Schmidt N, Hutson P, **Cleary J**, and Love R. Multinational Association of Supportive Care in Cancer Conference, June 2004.
34. A Multi-Faceted Educational Experience Involving Medical Student Knowledge with Palliative Care LoConte, M, CL Bell; **JF Cleary**; L Dast ACGME Annual Meeting, 2005
35. A Multi-Faceted Educational Experience Involving Medical Student Comfort and Experience with Palliative Care CL Bell; SL Dottl; M LoConte; **JF Cleary**; L Dast, BA,
36. End-of-life care resource utilization: A single provider perspective. *Journal of Clinical Oncology*, 2006 ASCO Annual Meeting Proceedings 24(18S) June 20 Supp, 2006: J. A. Stewart, D. Runde, K. Rovick, **J. Cleary**, J. Grossman
37. Disparities in the clinical trial participation of adult cancer patients *J Clin Oncol* 26: 2008 (May 20 suppl; abstr 9524) T. R. Wassenaar, M. C. Walsh, **J. F. Cleary**, P. L. Remington, A. Trentham Dietz
38. Predictors of dose limiting toxicities in phase I clinical trials: The impact of age, comorbidity, and other clinical and non-clinical factors. *J Clin Oncol* 26: 2008 (May 20 suppl; abstr 9525) N. K. LoConte, **J. F. Cleary**, J. Bozeman, G. Wilding, D. Alberti, A. Setala, J. Liou, M. Smith, K. D. Holen
40. Impact of the Comprehensive Health Enhancement Support System (CHESS), an interactive computer support system (ICSS) on non small cell lung cancer (NSCLC) survival: A randomized study comparing CHESS with the internet. – ASCO Citation *J Clin Oncol* 26: 2008 (May 20 suppl; abstr 8088) **J. F. Cleary**, L. L. Dubenske, M. K. Buss, C. L. Carmack Taylor, A. Atwood, A. M. Traynor, R. Govindan, A. Bhattacharya, F. McTavish, D. H. Gustafson
41. Campbell
- 42 Engaging Clinicians in Online Symptom Communication with Cancer Patients And Caregivers American Medical Informatics Assoc Annual Meeting, Nov 2010. M Chih, L Dubenske, D Gustafson, S Dinauer, R Hawkins, **J Cleary**.

(i) Technical reports and other publications.

1. Methadone: a Review. **JF Cleary** *Bulletin American Academy of Hospice and Palliative Medicine*, Winter 2002
- *2. Miaskowski, C, **Cleary JF**, Burney R et al: *Guidelines for the Management of Cancer Pain in Adults and Children*. Glenview, IL: American Pain Society, 2005.
3. Ensuring Balance

(j) Patents NONE

I. List of invited research presentations

1) Departmental

- | | | |
|------|-----|---|
| 2002 | Feb | UW Department of Medicine Grand Rounds.
<i>Advances in End of Life Care</i> |
| 2010 | Dec | UW Department of Medicine Grand Rounds.
<i>A holiday review of global suffering: The Global Challenges of Palliative care.</i> |

2) UWSMPH/Hospital:

- | | | |
|------|------|---|
| 2010 | ?? | Palliative Care |
| 2008 | Aug | UW Carbone Cancer Center Grand Rounds with Prof Patrick Remington.
<i>The Rising Tide of Cancer - National and Global Perspectives</i> |
| 2007 | Sept | UW Carbone Cancer Center Grand Rounds:
<i>Hospital-based Palliative Care, a disruptive innovation.</i> |
| 2006 | Oct | UW Carbone Cancer Center Grand Rounds
<i>Cancer Control Program</i> |
| 2004 | Feb | UW Carbone Cancer Center Grand Rounds. |

The Challenges of Palliative Care

3) State and Regional (last 10 years)

- 2007 Oct: Carbone Cancer Center Annual Conference; Survivorship: Winners and Losers.
Nov: St Francis HealthCare Milwaukee *Palliative Care, a Disruptive Innovation*
- 2006 June: UWCCC ASCO Review. Palliative Care and Head & Neck Cancer, Lake Delton, WI.
- 2005 Jan: UWHC Pastoral Care Department Cancer Course, *Palliative Care*, Madison WI
Feb: UW Internal Medicine Review Course, *Palliative Care*, Madison WI
April: Keynote Speaker, University of California San Francisco. Palliative Care Day.
Integrating Palliative Care within a Cancer Center.
- 2004 Jan: UWHC Pastoral Care Department Cancer Course, *Palliative Care*, Madison WI
April: Education of Physicians in End of Life Care, Buffalo, New York.
May: UW Pain Resource Nurse Training Program *Side Effect Management*, Madison WI
May: Hospice of Wisconsin Medical Directors Meeting, *Palliative Medicine update*, Madison, WI
July: UW National Pain Board Preparation Course, Madison, WI. *Cancer Pain*
- 2003: July: UW National Pain Board Preparation Course, Madison, WI
Sept: Rock Valley College Pain Resource Nurse Educational Program, Palliative Care, Rockford, IL
Oct: Hospice of Wisconsin Fall Conference, *Pain Management at the End of Life*, Wausau WI
Oct: American Medical Directors Association (AMDA) Wisconsin Annual Scientific Meeting
Palliative Care Madison WI
Nov: Moffit Cancer Center End of Life Care Conference, *Cancer Pain Management*, Tampa, FL
Nov: Cook County Hospital Medical Grand Rounds, *Advances in Palliative Care* Chicago, IL
Nov: Vitas Hospice National Medical Director Meeting, *Update in Palliative Care*, Fort Lauderdale, FL
- 2002 Sept: Dubuque Hospitals *Palliative Care* Dubuque, IA
Nov: St Joseph's Hospital EPEC Program. Keynote Speaker. Marshfield WI
- 2001 Feb: Swedish American Cancer Center Annual Oncology Conference Keynote:
Palliative Care throughout cancer treatment.. Rockford IL.
April: Challenges of Palliative Care Conference, Madison WI. Convenor,
Nausea and Vomiting Terminal Sedation
Nov: Pain Resource Nurse Program, Rockford IL. Key Note: *Palliative care & other symptoms*
- 2000 April: Pain Management Near the End of Life. Florida Academy of Family Practice.
June: Annual Conference, Twin Cities Chapter, Oncology Nurses Society.
June: Pain Conference Wisconsin Dept of Family and Health Services; Oshkosh Wisconsin.
Sept: Hospice of Case Western Reserve, Cleveland OH. *Palliative Care, A rose by another name.*
Nov: Swedish American Cancer Center Annual Oncology Conference.
Palliative Care: A rose by another name. Rockford, IL

CME Lectures throughout state in the last 10 years.

Meriter Hospital, Madison WI	Ft Atkinson Hospital, WI
Waukeesha Hospital, WI	Dodgeville Hospital, WI
Stephen's Point Hospital, WI	Reedsburg Hospital, WI
Beloit Memorial Hospital, WI	Sauk Prairie Community Hospital, WI
Columbus Hospital, WI	Portage Hospital, WI
Wausau Hospital, Wausau WI	Ashland Hospital, Ashland WI
Appleton Hospital, WI	Menominee Falls, WI
Dodgeville, WI	Medford Hospital, WI

St Clare's Hospital, Baraboo WI
 Marshfield Clinic, Marshfield, WI
 St Vincent's Hospital, Green Bay WI
 Mercy Hospital, Minneapolis, MN
 Monroe Hospital, WI
 St Elizabeth Hospital, Appleton, WI
 Chilton Hospital, WI

St Agnes Hospital, Fond du Lac, WI
 Prairie de Chen Memorial Hospital, WI
 Viroqua Memorial Hospital, WI
 Watertown Hospital, WI
 Plateville Hospital, WI
 Nealsville Community Hospital
 Schwano Community Hospital, WI

4) National (since 1999) and International (since 1995)

2012	Feb	Indian Palliative Care Conference, Kolkata, India
	Aug	UICC Biennial Conference.
	Sept	European Society of Medical Oncology, (invited) Vienna, Austria
2011	Feb	
	March	Barcelona
		Phillidephia
		Ukrain.
	April	Lancet Oncology
	Sept	Help the Hospices Biannual Conference. The big Hospice Debate. ATOME Romania Balance in Opioid
	Oct	Jamaica
	Nov	Asian Pacific Cancer Control Conference.
	Dec	African Organization for Research and Training in Cancer.
2010:	Jan:	Middle East Cancer Consortium. <i>Opioid access in the Middle East</i> Cancer Specialists.
	Feb:	5th Bristol Opioid meeting. Bristol UK. Systematic reviews of opioid medications. Commentator
	April	Dana Faber Cancer Inst. Masters in Oncology. Pasadena CA. <i>Palliative Care and Supportive Care</i> Robert Mayer, Course Director. US Oncologists.
	Jun:	American Society of Clinical Oncology. <i>Global Access to Opioids</i> Global: Oncologists.
	Aug:	Union of International Cancer Control Congress, Shenzhen, China. Plenary <i>Cancer Pain Relief</i>
	Sept:	International Assoc for the Study of Pain (IASP) Congress, Montreal, Canada. <i>Barriers to Opioid Availability and Palliative Sedation.</i> IASP First Global Summit. <i>Global Pain Relief.</i>
	Nov	Taiwan
		Jamaica
2009	Jan:	WHO <i>Decent Care</i> Meeting, Tunisia. <i>Palliative Care in Cancer</i>
	April:	Assoc of South East Asian Pain Societies Conference, Bali, Indonesia. SE Asian Pain Specialists. <i>Cancer Pain Relief</i> and <i>Palliative Care</i>
	Aug:	Singapore National Cancer Center, Singapore <i>Palliative Care</i>

Nov: Malaysian Medical Oncology Group. *Integrative Palliative care and Oncology*
 African Organization for Research and Training in Cancer, Dares Salam, Tanzania
Opioid access for Pain relief in Africa

2008: May: European Assoc of Palliative Care (EAPC) Research Meeting, Trondheim, Norway.
 Dec: All Ireland Cancer Consortium meeting, *Integrating Palliative Care & Oncology*, Dublin Ireland.

2007 Jan: ASTRO/ASCO Multidisciplinary Head & Neck Cancer Meeting, Palm Springs, CA
Palliative Care in Head & Neck Cancer
 American Academy of Hospice & Palliative Medicine Annual Meeting, Salt Lake City, Utah.
Pain Assessment & Side Effect Management in Palliative Care,
 Feb: Tata Memorial Hospital 5th Cancer Conference, *Integrating Oncology & Palliative Care*. India
 Trivandrum General Hospital, Palliative Care Rounds, Trivandrum, Kerela, India.
 Chittirajan National Cancer Inst, *Palliative Care in Oncology*. Kolkata, India.
 May: ASCO Annual Meeting. *Pharmacogenetics and Cancer Pain*. Chicago, IL.
 Oct: Pontificia Universidad Católica de Chile, Santiago, Chile *Palliative Care & Cancer Pain*

2006: Feb: AAHPM Annual Meeting. *Management of Breakthrough Pain*
 March: American College of Cardiology, *Palliative Care and Cardiology*. Atlanta, GA
 March: Romanian Department of Health Conference on Opioid Prescribing, Bucharest, RO
The Physicians perspective on Pain Management
 April: IAHPC WHO Essential Drugs in Palliative Care Meeting. *Policy and Opioids*. Salzburg, Austria,
 April: 6th Annual Cancer Conference of St James Cancer Hospital, Dublin, Ireland.
Integrating Oncology and Palliative Care
 May: 4th European Association of Palliative Care Research Meeting, Venice Italy.
Research interface; Palliative Care and Computer (Meet the Expert Session)

2005 May: Costa Rican Palliative Care Conference, San Jose, Costa Rica.
Integrating Palliative medicine and Oncology
Spirituality and Palliative Care
 May: American Society of Clinical Oncology, Poster Discussant, *Patient Care*, Orlando FL.
 Sept: Eastern European Palliative Care Workshop, Budapest, Hungary
Integrating Palliative Care and Oncology
 Nov: African Organization for Research & Training in Cancer, Dakar, Senegal.
Biannual Conference, Palliative Care

2004: May: CIMA Pharmaceuticals Investigators Meeting, *Breakthrough Pain*.
 June: Multinational Assoc for Supportive Care in Cancer (MASCC). *Care of the Dying*, Miami FL.
 Sept: Spirit of Eagles Cancer Control Conference. Keynote: *Palliative Care* Pheonix, AZ
 Sept: American Academy of Hospice and Palliative Medicine, Board Preparation course.
Advanced Pain Management. (Chicago and San Diego).
 Sept: Keynote Speaker, Joint Conference of Hospice New Zealand and the Australian and New Zealand
 Society of Palliative Medicine, Auckland, NZ. *Integrating Palliative Care with Oncology*.
 Sept: Joint meeting, Royal Australasian Chapter of Palliative Medicine /Australian & New Zealand
 Society of Palliative Medicine Auckland NZ. *Educating Physicians in Palliative Care*.
 Sept: International Institute on Hospice Studies, Flinders University. Adelaide, South Australia.
Palliative Care, A Global Perspective

2003 Jan: Rediscovering Our Traditions *End of Life Care* Catholic Hospital Association, Tucson AZ
 July: PDIA Faculty Scholar Retreat: *Communicating about Palliative Care via the Internet*. Tahoe, CA

2002 Jan: Catholic Health Initiative Annual conference. *End of Life Care*, Tucson, AZ
 Nov: Georgetown Medical School. Palliative Care Conference *The management of Cancer Pain*

2001 April: European Association of Palliative Care (EAPC), Palermo, Italy.
The American Pain Society Guidelines. Palliative Care Clinicians

	May:	Oncology Nursing Society Conference, San Diego, CA <i>APS Cancer Pain Guidelines</i>
	June:	AAHPM Annual Meeting, Pheonix, AZ <i>Applying the APS Cancer Pain Guidelines</i>
	Sept:	AAHPM Examination Preparation Course. Chicago, IL. <i>Advanced Pain Management</i>
2000	Feb:	1 st National Conference of Hospice and Palliative Care. Nashville, TN <i>The management of dyspnea and Methadone, an old long acting Opioid</i>
	April:	Pain and Palliative Care Conference, <i>Breakthrough Pain</i> , Columbia University, New York.
	May:	Palliative Care Retreat. Duke University, Durham NC
	June:	American Academy of Hospice and Palliative Medicine, Altanta Georgia. <i>Cancer Pain Guidelines and Methadone, an old long acting opioid</i>
	Sept:	13 th International Symposium of Care of the Terminally Il., Montreal Canada. <i>Education of Physicians in End of Life Care</i>
	Nov:	American Pain Society Annual Scientific Meeting. <i>Cancer Pain Guidelines</i> Atlanta, GA
	Dec:	1 st European Association of Palliative Care Research Meeting, Berlin Germany. <i>The treatment of Breakthrough Pain.</i>
1999	March:	American Assoc of Oncology Pharmacists <i>Pharmacology of Pain Control</i> , Orlando Florida
	March:	Cleveland Clinic Annual Palliative Care Conference, Fort Lauderdale <i>Pharmacology of Breakthrough Pain</i> , Fort Lauderdale FL.
	Oct:	City of Hope 1 st Palliative Care Conference <i>Physician Assisted Suicide, A Call of Palliative Care</i> City of Hope Cancer Center, Duarte Ca
1998	Feb:	European Association of Palliative Care Research Working Group, Sicily Italy. <i>Breakthrough Pain. Palliative Care MD.</i>
1997:	July:	Indonesia Ministry of Health, Jakarta <i>Palliative Medicine</i> . Oncology MD's
	July:	WHO Palliative Care Demonstration Project. Surabaya, Indonesia <i>Palliative Care</i>
1996:	April:	Beijing Institute of Cancer Research, Beijing, China <i>Pain and Symptom Management</i>
	April:	Clinical Core Team Training in Cancer Pain and Palliative Care, Ghangzhou, China
1995	April:	5th National Symposium for Cancer Pain & Palliative Care. Xian, China. <i>"Opioids in the Management of Pain with Clinical Examples"</i>
5) Public		
2011		Freedom from Pain
2010		Life before Death Short Film Series. Film Film Film Film 24: We can Together
2009	Nov	Palliative Care, Viroqua Community Meeting, Viroqua, WI.
2007	Nov:	Breast Cancer Recovery Foundation Meeting, <i>Is breast cancer a chronic Disease?</i> Madison, WI
2003	May:	Hospice of the North Shore Annual End of Life Meeting. <i>Managing Pain and other Symptoms</i>
2001	Mar:	1st National Meeting of Colon Cancer Alliance, <i>Pain and Palliative Care</i> , Washington DC.
6) Other.		Pain Policy Blog

<http://painpolicy.wordpress.com>

J. Grants and Monetary Awards

List research support chronology of all present and past research support should be provided, including dates, the monetary amount, description of the candidate's role in the project (PI, Co-PI), and percentage of effort.

CURRENT

NIH Funded

5 P50 CA095817-07 (PI: Gustafson)	09/30/08-08/31/13	15%
NIH/NCI	\$1,386,810	
Center of Excellence in Cancer Communication Research: Using Technology to Enhance Cancer Communication and Improve Clinical Outcomes	Co-PI: Project 2: ICCS in Lung Cancer: Evaluating Survival Benefits	

1 R21 CA129890-01A2 (PI: Wise)	02/01/09-01/31/11	1%
NIH/NCI	\$359,370	Role: Co-Investigator
Online Narrative Interventions and Family Support for Advanced Cancer Patients		

1 R21 NR010746-01 (PI: Kwekkeboom)	04/08/09-03/31/11	2%
NIH/NINR	\$295,887	Role: Co-Investigator
A Patient-Controlled Cognitive-Behavioral Intervention for Cancer Symptoms		

PENDING: RFA OD-10-005 8/31/10- Cleary, Institutional PI
"Creation and demonstration of a collaborative, multi-site, palliative care research network"
NIH Score 22; 1st Percentile \$9,000,000 subcontract with DUKE University
10% PI Support and 100% Research Nurse Support.

Palliative Care Research Trials in Association with Industry

Includes single and multiple institution studies: Studies have 2-5% effort.

133-KJ78 (PI Cleary)	10/2/2007-6/30/10	
PPD Development	\$42,377.04	
Amgen 20050236, Randomized Phase II Trial of Chemotherapy with/out Panitumumab for Head and Neck Cancer		

133-PRJ23BM (PI Cleary)	1/1/2009-	
Procetus Biopharm (Single Institution)	\$195,724	
Phase 1 Radioprotection Trial of Topical Vasoconstrictor Therapy in Cancer Patient with Spinal Cord Compression		

133-PRJ33WL (PI Cleary)	2/1/10-	
Procetus Biopharm (Single Institution)	\$125,000	
Phase 1 Safety Study of Phenylephrine Applied Topically to the oral mucosa in cancer patients receiving radiotherapy		

133-PRJ26YV (PI Cleary)	5/15/2009-	
Wyeth	\$21,583.86	
Efficacy of SQ MOA in Adults with Opioid Induced Constipation		

133-PRJ26ZF (PI Cleary)	5/15/2009-	
Wyeth	\$21,818.08	
Open-Label Extension Study of MOA in Adults with Opioid Induced Constipation		

Pain and Policy Studies Group (PPSG):

Principal Investigator for multiple grants to support work of PPSG: Total 25% effort for 2009.

133-PRJ32VX (PI Cleary)	11/16/09-3/31/11	
UK Dept for International Development	\$315,283	
Access to Essential Opiate Medication		

133-KH27 (PI: Cleary)	01/01/08-06/30/11	
US Cancer Pain Relief Committee	\$250,000	
Core Support for Pain & Policy Studies Group		

133-PRJ36DH (PI: Cleary) 04/01/10-03/31/12
US Cancer Pain Relief Committee \$50,750
Core Support for Pain & Policy Studies Group

133-PRJ36WT (PI Cleary) 4/1/10-3/31/11
Lance Armstrong Foundation \$250,000
Policy Tools and Systems Analysis

133-PRJ36ZH (PI Cleary) 6/1/10-5/31/11
Open Society Institute \$78,458
International Pain Policy Fellowship

133-PRJ37QQ (PI Cleary) 6/1/2010-5/31/2012
Open Society Institute \$152,808
Building Legal Capacity at PPSG.

133-PRJ37QU (PI Cleary) 6/1/2010-5/31/2012
Open Society Institute \$33,000
Travel Support of PPSG Attorney

Wisconsin State Cancer Control Program (see also Outreach K2d)

Public Health Outreach and Translational Research throughout the State of Wisconsin: 10% Effort.

503292-80/150307 (PI: Cleary) 1/1/10-12/31/10
Wisconsin DHFS \$320,700
Comprehensive Cancer Control Program

233-PRJ27IV (PI Cleary) 7/1/09-6/30/12
UWF Wisconsin Partnership MERC \$399,079
Reducing Cancer Disparities

133-HR67 (PI: Cleary) 1/1/10-12/31/12
School of Medicine and Public Health: Partnership Fund for a Healthy Wisconsin (matching for above)
Reducing Cancer Disparities Through Comprehensive Cancer Control

144 PRJ37CH (PI Cleary) 07/01/10-6/30/2011
Wisconsin Department of Health Services \$238,192
Wisconsin State Cancer Control Plan

144 PRJ39UK (PI Cleary) 9/1/2010-9/30/2011
Mayo Clinic (Subcontract from NCI)
Spirit of Eagles FY10-11

PAST

NIH Funded

5 R01 NR003126-09 Ward (PI) 2.5% 05/01/02-01/31/06
National Nursing Research Institute Role: Co-Investigator
Education Intervention of Cancer Pain Patients
The major goal of this project is to test the efficacy of a representational intervention for cancer pain management.

5 R01 NR08260-02 Gustafson (PI) 4.75% 09/30/02-06/30/07
National Nursing Research Institute Role: Co-Investigator
Web-Based Support for Informal Caregivers in Cancer
The goal of this project is to integrate palliative care into information provided to patients with advanced breast and lung cancer and to assess the impact of physician feedback for these patients and their caregivers.

NIH/ECOG Symptom Management Consortium	10%	8/22/03-08/21/04
Project aimed at improving accrual in ECOG symptom control studies through support of PI and 50% research nurse. Role: Institutional PI		
1 P50CA095817-01A1 Gustafson (PI)	18%	09/30/03-08/31/08
Center of Excellence in Cancer Communication Research Grant. As part of the CECCR, this project primarily examines the role of communication of symptoms and distress assessed over the internet in patients with advanced lung cancer. Co-PI: Physician Integration Project		
1 P20 CA103697-01 Weindruch (PI)	15%	09/03/03-08/31/08
Integrating Aging and Cancer Research in NCI Designated Cancer Centers The purpose of this project is to establish the "Aging and Cancer Program" and a diverse Aging Research Program within the University of Wisconsin-Madison Comprehensive Cancer Center (UWCCC). Role: Co-PI		
HHSN261200511-008C (PI: Cleary)	10%	01/15/05-01/14/10
NIH/NCI	\$644,176	
Cancer Information Service Provide cancer information service and outreach program		
5 U01 CA114609-03 (PI: Cleary)	2%	07/25/05-04/30/10
NIH/NCI	\$124,546	
Spirit of Eagles: American Indian CIS Cancer Initiative (subcontract from Mayo Clinic, PI: Kaur) The goal of this study is to increase community awareness about cancer by providing training in cancer control research for American Indian researchers and by facilitating communication among Native American communities and the NCI.		
5 P30 CA014520-36 (PI: Wilding)	10%	04/01/07-3/31/10
NIH/NCI	#3,545,231	
UWCCC Cancer Center Support Grant Support for senior and program leaders of cancer center; administration and evaluation of research cancer center members; support of shared resources and services for peer-reviewed, cancer-related projects; developmental support for new investigators, projects and shared resources. Role: Cancer Control Program Leader		
<i>Palliative Care Research Trials in Association with Industry</i>		
133-JS85 (PI: Cleary)	04/09/07-	1%
Ingenix	\$13,353	
H2007-002/CO043/06: Crossover Study of Nasalfent (Fentanyl Citrate Nasal Spray) in the Treatment of Breakthrough Cancer Pain (BTRCP) in Subjects Taking Regular Opioid Therapy		
133-JS86 (PI: Cleary)	04/09/07	1%
Ingenix	\$13,779	
H2007-023/CO045/06: Long-Term Safety and Tolerability of Nasalfent (Fentanyl Citrate Nasal Spray) in the Treatment of Breakthrough Cancer Pain (BTC) in Subjects Taking Regular Opioid Therapy		
133-FG54 (PI Cleary)	7/3/02-	
Celgene Corporation	\$41,254,08	
Multi-Center, Randomized, Double-Blind, Placebo-Controlled Study: Safety & Efficacy of Dexmethylphenidate HCl		
133-FQ91 (PI Cleary)	2/5/2003	
Progenics Pharmaceuticals	\$11,992	
MNTX 301, A Double-Blind, Placebo-Controlled Study of MTNX for the Treatment of Opioid Induced Constipation		

133-GQ05 (PI Cleary)	7/15/04
PRA Internaitonal	\$13,300
An Open Label Study of Oravescant Fentanyl Citrate for the Treatment of Breakthrough Pain	

133-KB54 (PI: Cleary)	04/01/07-
Procertus Pharm	\$233,321.02
Prevention/Treatment of Radiation Dermatitis with Norepinephrine	

133-JS68	3/1/2007
Merck	\$18,894
MK 0869 in the treatment of Chemotherapy Induced Nausea and Vomiintg	

Pain and Policy Studies Group:

133-KH27 (PI: Cleary)	01/01/08-12/31/09
U.S. Cancer Pain Relief	\$113,636
Core Support for the University of Wisconsin Pain & Policy Studies Group	

133-PRJ32UR	4/1/2009-3/31/2010
Foundation to Promote Open Society	\$32,937.84
Patient Access to Opioid Analgesics	

Wisconsin State Cancer Control Program (see also Outreach K2d))

233-HR67 (PI: Cleary)	1/1/2006-12/31/2009
UWF-Wisconsin Partnership –MERC	\$532,126
Reducing Cancer Disparities through Comprehensive Cancer Control	

133-QG02 (PI Cleary)	7/1//07-6/30/08
Wisconsin Dept of Health Services	\$178,215
CDC National Comprehensive Cancer Control Program (NCCCP)	

133-133JK95 (PI Cleary)	1/1/2007-12/31/07
Wisconsin Dept of Health Service	\$344,600
Wisconsin Comprehensive Cancer Control Plan	

133-133KK04 (PI Cleary)	1/1/2008-12/31/08
Wisconsin Dept of Health Service	\$344,600
Wisconsin Comprehensive Cancer Control Plan	

144-PRJ15VD (PI Cleary)	7/1/2008-6/30/2009
Wisconsin Dept of Health Services	\$167,218
Wisconsin State Cancer Control Plan	

PRJ-19YC (PI Cleary)	1/1/2009-6/30/2009
Wisconsin Dept of Health Services	\$100,000
Wisconsin State Cancer Control Plan	

133-PRJ25LH (PI: Cleary)	07/01/09-12/31/09
Wisconsin DHS	\$160,000
Comprehensive Cancer Control Program	

150308/MSN128751 (PI: Cleary)	07/01/09-6/30/2010
Wisconsin DHS	\$189,252
Wisconsin State Cancer Control Plan	

K. Service

(1) University service

(a) Present and past administrative assignments in the department, school, college, or University.

UW Hospital Ethics Committee

1996-present

Department of Medicine IT Committee.

UW Carbone Cancer Center

1997-2009

Protocol Review and Management Committee

Chair, 2004-2009.

2004-2009

Grand Rounds Coordinator

2005-

Clinical Research Committee

(b) Major committee assignments.

Search Committee, Chair of Medical History and Medical Bioethics; 2006-07

Center for Global Health, UWSMPH 3 year review Committee: 2008

(2) Professional service

(a) Service on state, regional, national, and international review panels, study sections, committees, and other public service groups insofar as these services provide evidence of competence in an area of the biological sciences.

2003-present Board, Share the Care Foundation

2004 Canadian Institute of Health Research: AD HOC panel: "Palliative and End of Life Care."
Pilot Project Grants and Career Transition Awards

Canadian Institute of Health Research: "Palliative and End of Life Care."
Chair, New Emerging Team Initiative

2005-8 Canadian Institute of Health Research: "Palliative and End of Life Care."
Panel Member, Grant Review Committee.

2007-present European Association of Palliative Care.
Scientific Review Committee, Biannual Congress and Research Meetings.

2007-09 American Society of Clinical Oncology Annual Meetings 2007, 2008 and 2009
Education Committee. Patient and Survivor Subcommittee (chair, 2009)

2007: International Association of Hospice and Palliative Care.
Essential Medicines for Palliative Care Working Group, Salzburg, Austria.

2009-present Union for International Cancer Control (UICC)
Steering Committee, Global Access to Pain Control Initiative (GAPRI)

2010 Review Panel, Open Society Institute's International Palliative Care Initiative

2010 Executive Committee International Association for the Study of Pain's 1st International Pain Summit

2010- Global Task Force on Expanded Access to Cancer Care and Control in Developing Countries
Chairs: Paul Farmer and Larry Schulman, Harvard University Global Health Initiative.
Technical Advisory Committee Member for Palliative Care

(b) Appointments or election to editorial boards of scientific journals and to office in national and international scientific and educational societies.

Palliative Medicine, North American Editor
Research Journal, European Association of Palliative Care and the UK Association of Palliative Care
Catherine Walshe, Editor SAGE Publishing.

Clinical Journal of Pain, Editorial Board.

Oncology, Editorial Board.

President, American Academy of Hospice and Palliative Medicine, 2004

Chair

(c) Clinical service.

1996 – 2008	Oncology Clinical Service Ward service and Consults Teaching of fellows, residents and students.	4 weeks/year
1996 – 2007	Palliative Care Consultations	52 weeks/year
1996 – present	Combined Oncology/Palliative Care clinic	1-1.5 days/week
2007 – present:	Palliative Care Inpatient and Consult Service	17-22 weeks/year.
2009 – present:	Clinical Ethics Consultations, UW Health	3 months/year

(d) Outreach:

Continuing Medical Education Lectures throughout state.

2007-2010 Wisconsin Partnership Program
Academic Partner with Hospice Organization and Palliative Experts of Wisconsin
“Changing the Culture of Palliative Care in Rural Wisconsin”
\$450,000 over 3 years.

2006-present: As Program leader for the UW Carbone Cancer Center Cancer Control Program, I become involved in the State Cancer Control Program.

EXHIBIT F



I provide this expert opinion on the basis of my experience in Medical Oncology and in Hospice and Palliative Medicine. I first served as a hospice medical director in 1996, the same year I started the Palliative Medicine Program at the University of Wisconsin Hospital and Clinics. I have been involved in Hospice and Palliative Medicine at regional, national and international levels. At the National level, I served as President of the American Academy of Hospice and Palliative Medicine in 2004 and Chair of the US Coalition for Hospice and Palliative Care from 2005-6. I have attached by curriculum vitae for your review.

I have not testified as an expert at trial or by deposition previously.

I reviewed 24 patient charts provided by defense counsel "Attachment A."

In my review of the 24 charts provided to me for review, I found what I could interpret as administrative errors in the certification of the "terminal diagnosis" in two patients.

First, **James Tyson**, who died after one year on the Hospice Medicare Benefit, was originally admitted with a terminal diagnosis of "GI bleed." While there are references to signs and symptoms of a GI bleed in the medical chart, I question its sufficiency to support this as the terminal diagnosis. However, the medical chart clearly supports a terminal diagnosis for "Debility" throughout the initial certification period and onwards. Debility does in fact become the terminal diagnosis at Mr Tyson's first recertification.

The second patient is **Lillian Heying**. The medical chart clearly supports Ms Heying's eligibility for hospice under the diagnosis of Alzheimer's throughout her hospice benefit. However, it appears there may be an error in the record with a terminal diagnosis of COPD for the medical director's certification of eligibility. All of the LCD documentation provided in the chart is for Alzheimers, for which the patient was appropriate with very good documentation by Dr Troy Dawson on March 5th, 2009 to support her eligibility. The support for COPD as the 'terminal diagnosis' is limited but serves as a significant co-morbidity in the Heying medical record.

Apart from these administrative concerns, my review *supports the decisions of the certifying attending physicians and medical directors as to the initial eligibility of the 24 patients*. This is based on the criteria, that a medical director or his/her designee is assessing the Medicare eligibility criteria at initial diagnosis, and at each recertification, that the prognosis is of a life expectancy of 6 months or less if the terminal illness runs its normal course. This is not always an easy decision to make and is a question of clinical judgment by the physician. These clinical decisions are aided by tools, such as LCDs and Palliative Performance Scores. My support as to eligibility is based on whether it would reasonable for a medical director to certify the patient based on the information available.

Following the work of Dr. Joanne Lynn and given the great difficulty in assessing prognosis, many hospice and palliative medicine physicians have used the "Surprise question" in assessing a patient's eligibility for hospice. In this the question is asked, "Would I be surprised if this patient were to die in the next six months." An answer of "No" to this question together with a decision by the patient and family,



not to proceed with potentially non-beneficial care, such as a "do not resuscitate" or "comfort care" order, support hospice eligibility. It is common experience in hospice that many patients may have some improvement while receiving hospice services but a sustained improvement should be documented prior to discharging a patient from the Hospice Medicare benefit.

On the issue of recertification, I have few concerns in 22 of the 24 patients. I have concerns in regard to two patient, Irene Lutz and Ann Keay.

Irene Lutz appeared clearly hospice eligible on a diagnosis of dementia upon admission in December 2007 and throughout most of her hospice benefit. At the time of her recertification on February 2, 2009, she remained clearly hospice eligible with a Palliative Performance Score of 30% and meeting of 5 of 6 FAST 7f criteria for dementia together with associated co-morbidities. It appears from the medical chart that she began to make some improvement in or about the end of March 2009, with improved activities of daily living and weight gain. She was ultimately discharged in August 2009. It is at least arguable from a review of the medical record alone that Lutz could have been discharged sometime between May and August 2009, when evidence of a sustained improvement became apparent.

Review of the medical charts support the hospice eligibility of **Ann Keay** from admission throughout her hospice benefit on a diagnosis of debility and then Adult Failure to Thrive (AFTT). In December, 2008 she was recertified with "dementia" as the terminal diagnosis, though there is only limited support for dementia in the medical record. On my review of the record, there is ongoing weight loss and poor oral intake to support the diagnosis of AFTT.

I have been compensated at the University of Wisconsin Medical Foundation's stated legal expert rate of \$500/hr. This review took 16 hours for a total of \$8000 dollars. Payment is to be made to the University of Wisconsin Medical Foundation for this expert opinion.

January 16, 2012.

James F Cleary MD, FACHPM
Associate Professor of Medicine (Medical Oncology)
University of Wisconsin School of Medicine and Public Health
Palliative Care Physician,
University of Wisconsin Hospitals and Clinic.
Leader, Palliative Care and Supportive Oncology Working Group.
University of Wisconsin Carbone Cancer Center.
Director, Pain and Policy Studies Group
WHO Collaborating Center for Pain Policy and Palliative Care

Exhibit A

1. 12
2. 1
3. 7
4. 28
5. 29
6. 26
7. 34
8. 38
9. 39
10. 24
11. 20
12. 15
13. 10
14. 22
15. 6
16. 36
17. 16
18. 11
19. 4
20. 30
21. 27
22. 3
23. 45
24. 2